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E-FILED: December 21, 2009

**UNITED STATES BANKRUPTCY COURT**

**DISTRICT OF NEVADA**

In Re: ) Case No. BKS-09-27762-MKN  
          ) Chapter13  
          )  
          )  
**Amos Bailey & Yvonne M. Bailey,** ) Hearing Date: January 13, 2009  
          ) Hearing Time: 1:30 PM  
          )  
Debtor(s). )  
          )  
          )

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**DEBTORS' OPPOSITION TO MOTION FOR**  
**RELIEF FROM AUTOMATIC STAY AND/OR REQUEST FOR RENOTICING**  
**UNDER NRS 107.080 (AS REQUIRED UNDER NEVADA ASSEMBLY BILL 149**  
**EFFECTIVE JULY 1, 2009)**

COME NOW, Amos Bailey & Yvonne M. Bailey, by and through attorney, George Haines, Esq., of the LAW OFFICES OF HAINES & KRIEGER, LLC, and in response to **WELLS FARGO BANK, N.A.**'s ("Creditor") Motion for Relief from Automatic Stay states as follows:

1. On September 23, 2009, Debtors filed the current Chapter13 Petition in Bankruptcy with the Court.
2. On or about December 07, 2009, Creditor filed a Motion for Relief from the Automatic Stay.

3. Debtors' mortgage payments are to be made by the trustee out of the Debtors' monthly Chapter 13 Plan payment (see *Debtors' Chapter13 Plan*, attached hereto as Exhibit "1").

4. Debtors' plan includes two (2) post-petition payments which are spread over the life of the Debtors' Chapter 13 Plan.

5. Further, the underlying property is integral to the Debtors' Chapter13 Plan and is necessary to the Debtors' effective reorganization.

6. Accordingly, no cause exists under 11 U.S.C. Section 362(d) to lift the automatic stay.

7. Alternatively, the Court should either dismiss Creditor's motion or continue the instant motion for a sufficient time to allow Debtors' Chapter 13 Plan to be confirmed.

8. In the event this Court is inclined to grant Secured Creditor's request for relief from the automatic stay, the Debtors request that Your Honor require Secured Creditor to renounce any pending foreclosure action under NRS 107.080 (as revised by Nevada Assembly Bill 149, effective July 1, 2009) by this Creditor to the extent applicable.

9. Pursuant to NRS 107.082 if a foreclosure "sale has been postponed by oral proclamation three times, any new sale information must be provided by notice as provided in NRS 107.080." NRS 107.080 (as revised by Nevada Assembly Bill 149 effective July 1, 2009) requires Secured Creditor to provide Debtors a notice of election to enter into court mandated mediation.

WHEREFORE, Debtors request:

1. WELLS FARGO BANK, N.A.'s Motion be denied or continue the instant motion for a sufficient time to allow Debtors' Chapter 13 Plan to be confirmed; and/or
2. In the event Your Honor grants relief from stay, that Secured Creditor be required to renounce its foreclosure proceeding pursuant to Revised NRS 107.080 (as effective through Nevada AB 149, July 1, 2009), thus providing the Debtors an opportunity to elect court mandated mediation in State Court.
3. Such other relief as the Court finds appropriate.

Dated: December 21, 2009

/s/ David Krieger, Esq.  
Attorney for Debtors(s)

**CERTIFICATE OF MAILING RE:**  
**DEBTORS' OPPOSITION TO MOTION FOR**  
**RELIEF FROM AUTOMATIC STAY**

I hereby certify that on December 21, 2009, I mailed a true and correct copy, first class mail, postage prepaid, of the above listed document to the following:

/s/George Haines, Esq.  
Attorney for Debtors

Gregory Wilde  
208 S. Jones Blvd  
Las Vegas, NV 89107